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Attorney for Plaintiff, Chanel, Inc.

UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF NEW YORK

CHANEL, INC., a New York	)	Case No. 07-cv-06057 (NRB)
corporation,	)	
	)	<b>DECLARATION OF ROBERT</b>
Plaintiff,	)	<b>HOLMES IN SUPPORT OF</b>
	)	<b>PLAINTIFF'S MEMORANDUM OF</b>
v.	)	<b>POINTS AND AUTHORITIES IN</b>
	)	<b>SUPPORT OF REQUEST FOR</b>
BRIGITTE C. VAUGHN a/k/a	)	<b>DAMAGES</b>
BRIGITTE C. SIERAU a/k/a BRIGIT	)	
VAUGHN and BIBI, INC., individually	)	
and jointly, d/b/a	)	
BIBISBLINGBLING.COM d/b/a	)	
d/b/a BIBISBLINGBLING, and Does 1-	)	
10,	)	
	)	
Defendants.	)	

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I, Robert Holmes, declare and state as follows:

1. I am an officer of IPCyberCrime.com, LLC, formerly, the Holmes Detective Agency, a licensed private investigative firm, located in Plano, Texas.
2. I am over 18 years of age and have personal knowledge of the facts set forth herein. If called upon to do so, I could and would competently testify as to the following facts in support of Chanel's Memorandum of Points and Authorities in Support of Request for Damages against Defendants Brigitte C. Vaughn a/k/a Brigitte C. Sierau a/k/a Brigit Vaughn ("Vaughn") and Bibi, Inc. ("Bibi"), individually and jointly, d/b/a Bibisblingbling.Com d/b/a Bibi, Inc. d/b/a Bibisblingbling (collectively the "Bibi Defendants").

3. In May, 2006, I was retained to conduct an investigation of the sale counterfeit Chanel branded products by the Bibi Defendants through their fully interactive website BibisBlingBling.com.

4. In or about May 2006, pursuant to Chanel's counsel's instruction, I conducted a WHOIS search through www.NetworkSolutions.com of BibisBlingBling.com and determined the Bibi Defendants' domain name BibisBlingBling.com was created on March 30, 2005. The Registrant and the Administrative Contact were listed as Brigit Vaughn, 57 Ira Road, Syosset, NY 11791. A true and correct copy of the WHOIS search printout obtained from NetworkSolutions.com of the Bibi Defendants' website BibisBlingBling.com is attached hereto as Exhibit "1."

5. On or about May 19, 2006, I accessed the Bibi Defendants' fully interactive website BibisBlingBling.com and placed an order for the purchase of a handbag identified as "Chanel Snake Skin Tote" bearing the Chanel Marks at issue in this action for \$127.00, including shipping. A true and correct copy of the Bibi Defendants' BibisBlingBling.com webpage I accessed and downloaded showing the handbag I purchased from them is attached hereto as Exhibit "2."

6. I paid for the handbag I purchased from the Bibi Defendants through their website BibisBlingBling.com via credit card. The payee information identified in connection with my purchase from the Bibi Defendants through their website BibisBlingBling.com was "BIBISBLINGBLING.COM 775-291-3284 NV US."

7. During the course of my communications with the Bibi Defendants in connection with my purchase of a handbag bearing the Chanel Marks through BibisBlingBling.com, I received a telephone call from the telephone number (516) 417-4797. I spoke to an unidentified female regarding the purchase of the handbag from the Bibi Defendants through

BibisBlingBling.com, and she provided her company name and address as Bibi Inc., 57 Ira Road #130, Syosset, New York 11791. I conducted a reverse directory lookup through WhitePages.com and determined that the telephone number (516) 417-4797 belongs to Brigitte Sierau.

8. On May 31, 2006, I received the handbag I purchased from the Bibi Defendants through BibisBlingBling.com. The outer packaging identified the shipper as Bibi Inc., (516) 417-4797, The UPS Store #4945, 57 Ira Road, Syosset, NY 11791-3504. A true and correct photograph of the handbag I purchased from the Bibi Defendants through their website BibisBlingBling.com together with a true and correct copy of the invoice included with the shipment, a true and correct copy of the shipping label, and a true and correct copy of the Chain of Custody are attached hereto as Composite Exhibit "3."

9. The handbag I purchased from the Bibi Defendants through their website BibisBlingBling.com was turned over to Chanel for analysis. I later came to learn that the handbag I purchased from the Bibi Defendants through their website BibisBlingBling.com had been determined by Chanel to be counterfeit.

10. In or about April, 2007, I was again retained by Chanel to investigate the sale of counterfeit Chanel branded products by the Bibi Defendants through their website BibisBlingBling.com.

11. On or about April 19, 2007, pursuant to Chanel's counsel's request, I again accessed the Bibi Defendants' fully interactive website BibisBlingBling.com and placed an order for the purchase of a handbag bearing counterfeits of the Chanel Marks at issue in this action for \$71.00, including shipping.

12. I paid for the handbag purchased from the Bibi Defendants through their website BibisBlingBling.com via credit card ending in 9049. The payee information identified in

connection with my purchase from the Bibi Defendants through their website

BibisBlingBling.com was "BIBISBLINGBLING.COM 775-291-3284 NV US."

13. On April 22, 2007, I received an Email Invoice from the Bibi Defendants in connection with my purchase of the Chanel branded handbag through their website BibisBlingBling.com. The invoice identified the handbag I purchased from the Bibis Defendants through their website BibisBlingBling.com as "Look Alike Chanel Small Tassle Bag - Hot Pink." The Email identified the sender as "Birgitte Sierau , bibisblingbling@yahoo.com." A true and correct copy of the Email invoice I received from the Bibi Defendants in connection with my purchase of the Chanel branded handbag through their website BibisBlingBling.com is attached hereto as Exhibit "4."

14. On May 17, 2007, I received the handbag I purchased from the Bibi Defendants through BibisBlingBling.com. The outer packaging identified the shipper as Bibi Inc., (516) 417-4797, The UPS Store #4945, 57 Ira Road, Syosset, NY 11791-3504. A true and correct photograph of the handbag I purchased from the Bibi Defendants through their website BibisBlingBling.com together with a true and correct copy of the shipping label and a true and correct copy of the Chain of Custody are attached hereto as Composite Exhibit "5."

15. The second handbag I purchased from the Bibi Defendants through their website BibisBlingBling.com was turned over to Chanel for analysis. I later came to learn that the handbag I purchased from the Bibi Defendants through their website BibisBlingBling.com had been determined by Chanel to be counterfeit.

16. On May 30, 2007, I personally accessed the Internet website BibisBlingBling.com to capture and downloaded the pages of the website reflecting the products bearing various Chanel Marks offered for sale. A true and correct copy of the relevant pages

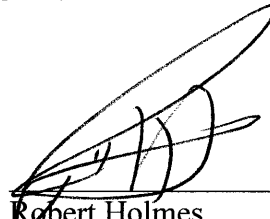
Chanel Marks offered for sale. A true and correct copy of the relevant pages from the website BibisBlingBling.com I captured on May 30, 2007, is attached hereto as Composite Exhibit "6."

17. Since my firm's retention by Chanel on this matter, my firm has billed Chanel, and been paid, a total of \$1,248.00 for investigator fees and buy money to investigate Defendants' counterfeiting activities.

I declare under penalty of perjury that the foregoing is true and correct.

FURTHER DECLARANT SAYETH NAUGHT.

Dated this 8<sup>th</sup> day of April, 2008.

  
Robert Holmes

## Composite Exhibit “1”



## United States Patent and Trademark Office

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### Typed Drawing

<b>Word Mark</b>	CHANEL
<b>Goods and Services</b>	IC 018. US 003. G & S: WOMEN'S HANDBAGS. FIRST USE: 19380000. FIRST USE IN COMMERCE: 19541124
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	71678436
<b>Filing Date</b>	December 16, 1954
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	<b>0626035</b>
<b>Registration Date</b>	May 1, 1956
<b>Owner</b>	(REGISTRANT) CHANEL, INC. CORPORATION NEW YORK 1 W. 57TH ST. NEW YORK NEW YORK
	(LAST LISTED OWNER) CHANEL, INC. CORPORATION ASSIGNEE OF NEW YORK 9 WEST 57TH STREET NEW YORK NEW YORK 10019
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	ADRIENNE HAHN

**Prior Registrations** 0195360;0513132;AND OTHERS  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL-2(F)  
**Affidavit Text** SECT 15. SECTION 8(10-YR) 20060719.  
**Renewal** 3RD RENEWAL 20060719  
**Live/Dead Indicator** LIVE

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**Typed Drawing**

**Word Mark** CHANEL  
**Goods and Services** IC 014. US 028. G & S: BRACELETS, PINS, AND EARRINGS. FIRST USE: 19140000.  
FIRST USE IN COMMERCE: 19250000  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 72339492  
**Filing Date** May 28, 1969  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Registration Number** 0902190  
**Registration Date** November 10, 1970  
**Owner** (REGISTRANT) CHANEL, INC. CORPORATION NEW YORK 9 W. 57TH ST. NEW YORK  
NEW YORK 10019  
**Prior Registrations** 0612169  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECTION 8(10-YR) 20010329.

**Renewal**

2ND RENEWAL 20010329

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**Word Mark**

CC

**Goods and Services**

(CANCELLED) IC 016. US 037. G & S: [ Notebooks and Stationery-Type Portfolios ].  
FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900

IC 018. US 003. G & S: Leather Goods-Namely, Handbags, [ Wallets, Travel Bags, Luggage, Credit Card and Business Card Cases, Make-Up Bags and Vanity Cases Sold Empty, Briefcase-Type Portfolios; Attache Cases, Change Purses, Suitcases, Tote Bags, Garment Bags and Travellers' Shoe Bags ]. FIRST USE: 19541124. FIRST USE IN COMMERCE: 19541124

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number**

73356733

**Filing Date**

March 26, 1982

**Current Filing Basis**

1A

**Original Filing Basis** 1A**Published for Opposition** November 6, 1984**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED**Registration Number** 1314511**Registration Date** January 15, 1985**Owner** (REGISTRANT) Chanel, Inc. CORPORATION NEW YORK 9 West 57th Street New York  
NEW YORK 10019**Attorney of Record** VERONICA L. HRDY**Prior Registrations** 1075016**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 15. PARTIAL SECT 8 (6-YR). SECTION 8(10-YR) 20050225.**Renewal** 1ST RENEWAL 20050225**Live/Dead Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)[| HOME |](#) [SITE INDEX|](#) [SEARCH |](#) [eBUSINESS |](#) [HELP |](#) [PRIVACY POLICY](#)



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5**[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)*( Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

<b>Word Mark</b>	CHANEL
<b>Goods and Services</b>	(CANCELLED) IC 016. US 037. G & S: [ Notebooks and Stationery Type Portfolios ]. FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900
	IC 018. US 003. G & S: Leather Goods-Namely, Handbags [ , Wallets, Travel Bags, Luggage, Business and Credit Card Cases, Brief Case Type Portfolios, Attache Cases, Change Purses, Suitcases, Tote Bags, Make-Up Bags and Vanity Cases Sold Empty, Garment Bags for Travel and Travellers' Shoe Bags ]. FIRST USE: 19380000. FIRST USE IN COMMERCE: 19541124
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73356734
<b>Filing Date</b>	March 26, 1982
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	April 30, 1985
<b>Change In Registration</b>	CHANGE IN REGISTRATION HAS OCCURRED
<b>Registration Number</b>	1347677

**Registration Date** July 9, 1985

**Owner** (REGISTRANT) Chanel, Inc. CORPORATION NEW YORK 9 W. 57th St. New York NEW YORK 10019

**Prior Registrations** **0626035**

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. PARTIAL SECT 8 (6-YR). SECTION 8(10-YR) 20050930.

**Renewal** 1ST RENEWAL 20050930

**Live/Dead Indicator** LIVE

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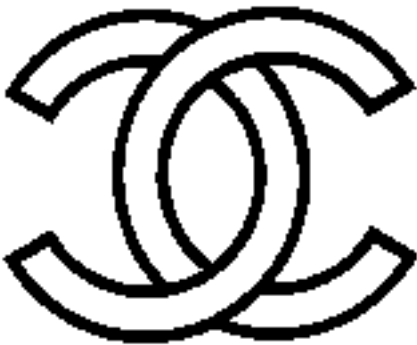
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Word Mark

CC

**Goods and Services**

IC 006. US 013. G & S: KEYCHAINS. FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900

IC 014. US 028. G & S: COSTUME JEWELRY. FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900

IC 016. US 037. G & S: GIFT WRAPPING PAPER. FIRST USE: 19860800. FIRST USE IN COMMERCE: 19860800

IC 025. US 039. G & S: BLOUSES, SHOES, BELTS, SCARVES, JACKETS, MEN'S TIES. FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900

IC 026. US 040. G & S: BROOCHES, BUTTONS FOR CLOTHING. FIRST USE: 19810900. FIRST USE IN COMMERCE: 19810900

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number**

73644065

**Filing Date**

February 9, 1987

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Published for Opposition**

June 7, 1988

**Registration Number**

1501898

**Registration Date**

August 30, 1988

**Owner**

(REGISTRANT) CHANEL, INC. CORPORATION NEW YORK 9 WEST 57TH STREET NEW YORK NEW YORK 10019

**Attorney of Record**

VERONICA L. HRDY

**Prior Registrations**

0195359;0399751;0799642;1241264;1271876;1293398;1308092;**1314511**;1347094; AND OTHERS

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Affidavit Text**

SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator**

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**Typed Drawing**

<b>Word Mark</b>	CHANEL
<b>Goods and Services</b>	IC 018. US 003. G & S: leather goods; namely, handbags, wallets, travel bags, luggage, business and credit card cases, change purses, tote bags, cosmetic bags sold empty, and garment bags for travel. FIRST USE: 19540000. FIRST USE IN COMMERCE: 19540000
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74242426
<b>Filing Date</b>	January 31, 1992
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 25, 1992
<b>Registration Number</b>	1733051
<b>Registration Date</b>	November 17, 1992
<b>Owner</b>	(REGISTRANT) Chanel, Inc. CORPORATION NEW YORK 9 West 57th Street New York NEW YORK 100192790
<b>Attorney of Record</b>	Veronica L. Hrdy
<b>Prior Registrations</b>	<b>0626035</b> ;1347677;AND OTHERS

**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020607.  
**Renewal** 1ST RENEWAL 20020607  
**Live/Dead Indicator** LIVE

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**Word Mark**

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**Goods and Services**

IC 018. US 003. G &amp; S: leather goods; namely, handbags, wallets, travel bags, luggage, business card cases, change purses, tote bags, and cosmetic bags sold empty. FIRST USE: 19540000. FIRST USE IN COMMERCE: 19540000

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number**

74242471

**Filing Date**

January 31, 1992

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Published for Opposition** September 1, 1992**Registration Number**

1734822

**Registration Date**

November 24, 1992

**Owner** (REGISTRANT) Chanel, Inc. CORPORATION NEW YORK 9 West 57th Street New York  
NEW YORK 10019

**Attorney of Record** Veronica L. Hrdy

**Prior Registrations** 1293298;**1314511**;AND OTHERS

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020607.

**Renewal** 1ST RENEWAL 20020607

**Live/Dead Indicator** LIVE

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<b>Word Mark</b>	CC
<b>Goods and Services</b>	IC 018. US 001 002 003 022 041. G & S: Handbags. FIRST USE: 20040601. FIRST USE IN COMMERCE: 20040601
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.01.03 - Circles, incomplete (more than semi-circles); Incomplete circles (more than semi-circles) 26.01.16 - Circles touching or intersecting 27.03.01 - Geometric figures forming letters, numerals or punctuation
<b>Serial Number</b>	76615089
<b>Filing Date</b>	October 8, 2004
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 20, 2005
<b>Registration Number</b>	<b>3025934</b>
<b>Registration Date</b>	December 13, 2005
<b>Owner</b>	(REGISTRANT) Chanel, Inc. CORPORATION NEW YORK 9 West 57th Street New York NEW YORK 10019

<b>Attorney of Record</b>	Veronica L. Hrdy
<b>Prior Registrations</b>	0195359;1734822;AND OTHERS
<b>Description of Mark</b>	This mark is a three-quarter view of the Chanel CC monogram which is comprised of interlocking C's.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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